



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,611	02/15/2001	Craig G. Eisler	11582.02	9396

25943 7590 03/25/2004

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITES 1600-1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

LIU, JOSHUA C

ART UNIT	PAPER NUMBER
----------	--------------

2121

DATE MAILED: 03/25/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,611

Applicant(s)

EISLER ET AL.

Examiner

Joshua C Liu

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/15/2001 (eff. filing data 2/15/2001).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 have been examined.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed was filed more than one year prior to the filing date of this application. Therefore, this Application cannot claim priority to provisional application 60/182,330.

Information Disclosure Statement

3. The information disclosure statement filed 1/18/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the Other Documents referred to therein has not been considered.

Claim Objections

4. Claims 11, 13, 24, and 26 are objected to because of the following informalities:
 - Claims that depend on a particular claim should be grouped together and numbered in a depth-first manner.
 - Claim 11 depends on claim 3, as are claims 4-6. However, claims 7-10 are not dependent on claim 3. Therefore, claim 11 is improperly numbered.
 - Claim 13 depends on claim 7. However, claims 8-12 are not dependent on claim 7. Therefore, claim 13 is improperly numbered.

- Claim 24 depends on claim 16, as are claims 17-19. However, claims 20-23 are not dependent on claim 16. Therefore, claim 24 is improperly numbered.
- Claim 26 depends on claim 20. However, claims 21-25 are not dependent on claim 20. Therefore, claim 26 is improperly numbered.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony (US Patent Number 5,815,830; Issued 9/29/1998) in view of Marshall (Ref. U; Published 1987).

Claim 1

Claim 1 recites

A method for dynamically constructing a sentence relating to a user request, comprising:
(a) receiving an indication of concepts from a user;
(b) selecting related queries to present to the user based upon the concepts;
(c) using the concepts to construct a sentence relating to the user request; and
(d) selectively repeating the selecting step, based upon user input, in order to dynamically change the sentence.

- Regarding claim 1, Anthony discloses a method of associating portions of data stored in an information retrieval system (Anthony Col 1 L. 44-63, "These and other... said display.") which (a) receives an indication of concepts from a user (Anthony Fig. 4 Step 100; Col 4 L. 56-58, "Referring now... by the user."); (b)

selects related queries to present to the user based upon the concepts (Anthony Fig. 4-5; Col 4 L. 61-Col 5 L. 30, "On selection,... the first page."); (c) uses the concepts to link texts based on topics relating to the user request (Anthony Col 5 L. 24-30, "Text is thus... first page."); and (d) selectively repeating the selecting step (Anthony Fig. 4-5; Col 3 L. 13-14, "If the requested... new topic."; Col 5 L. 30-31, "The sequence is... in FIG. 4."). However, while Anthony teaches using the concepts to link texts based on topics, Anthony does not explicitly teach (c) using the concepts to construct a sentence. Marshall teaches (c) using concepts to construct an argument in the form of a sentence (Marshall Fig. 7 and 9-10; Pg. 262, "In this variation,... argumentation process."), which –allows one to work with unstructured information in conjunction with formalized, systematically organized information (Marshall Pg. 254, "The ability to work... database description language."). Therefore, it would have been obvious to one of ordinary skill in the art to modify Anthony, in view of Marshall, by using concepts to construct a sentence relating to the user request.

Claim 2

- Regarding claim 2, see §103 rejection for claim 1, and (Anthony Fig. 1, "Viewing Stage"; Col 4 L. 60-61, "The selection of... available topics.").

Claim 3

- Regarding claim 3, see §103 rejection for claim 1, and (Anthony Fig. 3-5; Col 5 L. 5-18, "Association could... hypertext jumps.").

Claim 4

- Regarding claim 4, see §103 rejection for claim 3.

Claim 5

- Regarding claim 5, see §103 rejection for claim 4, and (Anthony Fig. 4-5).

Claim 6

- Regarding claim 6, see §103 rejection for claim 5, and (Anthony Fig. 5).

Claim 7

- Regarding claim 7, see §103 rejection for claim 1, and (Anthony Fig. 1 and 3-4; Marshall Fig. 9-10).

Claim 8

- Regarding claim 8, see §103 rejection for claim 1, and (Anthony Fig. 1 and 3; Marshall Fig. 9).

Claim 9

- Regarding claim 9, see §103 rejection for claim 8, and (Anthony Fig. 4; Col 6 L. 12-36, "Topic being viewed... to itself."; Marshall Fig. 9).

Claim 10

- Regarding claim 10, see §103 rejection for claim 8, and (Anthony Col 6 L. 21-23, "The text for... as hyperlinks.").

Claim 11

- Regarding claim 11, see §103 rejection for claim 3, and (Anthony Fig. Col 2 L. 64-Col 3 L. 3, "The present invention... name refers.").

Claim 12

- Regarding claim 12, see §103 rejection for claim 1, and (Marshall Fig. 6, 9-10, 12-13), --which allows for interesting investigations involving representation problems (Marshall pg. 254-255, "Because it was... representation problems.").

Claim 13

- Regarding claim 13, see §103 rejection for claim 7, and (Anthony Fig. 1 and 3-5; Col 4 L. 60-61, "The selection of... available topics."; Col 6 L. 12-36, "Topic being viewed... to itself.").

Claim 14

Claim 14 recites

An apparatus for dynamically constructing a sentence relating to a user request, comprising:

- (a) a receive module for receiving an indication of concepts from a user;
- (b) a select module for selecting related queries to present to the user based upon the concepts;
- (c) a use module for using the concepts to construct a sentence relating to the user request; and
- (d) a repeat module for selectively repeating the selecting step, based upon user input, in order to dynamically change the sentence.

- Regarding claim 14, Anthony discloses a computer system for associating portions of data stored in an information retrieval system (Anthony Col 1 L. 44-63, "These and other... said display.") which comprises (a) an input module for receiving an indication of concepts from a user (Anthony Fig. 4 Step 100; Col 4 L. 56-58, "Referring now... by the user."); (b) a selection module for selecting related queries to present to the user based upon the concepts (Anthony Fig. 4-5; Col 4 L. 61-Col 5 L. 30, "On selection,... the first page."); (c) a use module for using the concepts to link texts based on topics relating to the user request (Anthony Col 5 L. 24-30, "Text is thus... first page."); and (d) a repeat module for selectively repeating the selecting step (Anthony Fig. 4-5; Col 3 L. 13-14, "If the

requested... new topic.”; Col 5 L. 30-31, “The sequence is... in FIG. 4.”).

However, while Anthony teaches using the concepts to link texts based on topics, Anthony does not explicitly teach (c) using the concepts to construct a sentence. Marshall teaches a hypertext linking system for exploring representation problems (c) using concepts to construct an argument in the form of a sentence (Marshall Fig. 7 and 9-10; Pg. 262, “In this variation,... argumentation process.”), which –allows one to work with unstructured information in conjunction with formalized, systematically organized information (Marshall Pg. 254, “The ability to work... database description language.”). Therefore, it would have been obvious to one of ordinary skill in the art to modify Anthony, in view of Marshall, by using concepts to construct a sentence relating to the user request.

Claim 15

- Regarding claim 15, see §103 rejection for claim 14, and (Anthony Fig. 1, “Viewing Stage”; Col 4 L. 60-61, “The selection of... available topics.”).

Claim 16

- Regarding claim 16, see §103 rejection for claim 14, and (Anthony Fig. 3-5; Col 5 L. 5-18, “Association could... hypertext jumps.”).

Claim 17

- Regarding claim 17, see §103 rejection for claim 16.

Claim 18

- Regarding claim 18, see §103 rejection for claim 17, and (Anthony Fig. 4-5).

Claim 19

- Regarding claim 19, see §103 rejection for claim 18, and (Anthony Fig. 5).

Claim 20

- Regarding claim 20, see §103 rejection for claim 14, and (Anthony Fig. 1 and 3-4; Marshall Fig. 9-10).

Claim 21

- Regarding claim 21, see §103 rejection for claim 14, and (Anthony Fig. 1 and 3; Marshall Fig. 9).

Claim 22

- Regarding claim 22, see §103 rejection for claim 21, and (Anthony Fig. 4; Col 6 L. 12-36, "Topic being viewed... to itself."; Marshall Fig. 9).

Claim 23

- Regarding claim 23, see §103 rejection for claim 21, and (Anthony Col 6 L. 21-23, "The text for... as hyperlinks.").

Claim 24

- Regarding claim 24, see §103 rejection for claim 16, and (Anthony Fig. Col 2 L. 64-Col 3 L. 3, "The present invention... name refers.").

Claim 25

- Regarding claim 252, see §103 rejection for claim 14, and (Marshall Fig. 6, 9-10, 12-13), --which allows for interesting investigations involving representation problems (Marshall pg. 254-255, "Because it was... representation problems.").

Claim 26


- Regarding claim 26, see §103 rejection for claim 20, and (Anthony Fig. 1 and 3-5; Col 4 L. 60-61, "The selection of... available topics."; Col 6 L. 12-36, "Topic being viewed... to itself.").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua C Liu whose telephone number is (703) 305-6435. The examiner can normally be reached on Monday-Friday, 8:30am-5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached on (703) 305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



GEORGE B. DAVIS
PRIMARY EXAMINER

jl